

FCC MAIL SECTION

Federal Communications Commission

DA 96-1591

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DIRECTOR

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.606(b),)	MM Docket N. 96-14
Table of Allotments,)	RM-8746
TV Broadcast Stations)	
(Memphis, Tennessee))	
)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 20, 1996

Released: September 27, 1996

By the Chief, Allocations Branch:

1. At the request of Cossitt Library d/b/a Memphis Shelby County Public Library ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 11 FCC Rcd 2413 (1996), proposing the allotment of UHF TV Channel 56 to Memphis, Tennessee, and its reservation for noncommercial educational use. Petitioner and Flinn Broadcasting Corporation ("Flinn") filed comments expressing their interest in applying for Channel *56 if reserved for noncommercial educational use at Memphis.

2. We believe the public interest would be served by the allotment of UHF Channel *56 to Memphis and the reservation of the channel for noncommercial educational use, since it could provide the community with an additional noncommercial educational TV service. A staff engineering analysis indicates that Channel *56 can be allotted to Memphis in compliance with the minimum distance separation requirements of Sections 73.610 and 73.698 of the Commission's Rules without the imposition of a site restriction.¹ Memphis is located outside of the areas surrounding the top 30 television markets for which the Commission had imposed a temporary freeze on new allotments. Therefore, the allotment at Memphis is not affected by that action. See Notice of Inquiry, 2 FCC Rcd 2125 (1987) and Order, 52 FR 28346, July 29, 1987.

3. Upon adoption of the Sixth Further Notice of Proposed Rule Making in the digital television (DTV) proceeding ("Sixth Further Notice"), the Commission stated that it would no longer accept petitions for rule making proposing to amend the TV Table of Allotments to add

¹ The coordinates for Channel *56 are North Latitude 35-08-58 and West Longitude 90-02-56.

an allotment for a new NTSC station after July 25, 1996.² The Commission further stated that pending petitions and open allocation rule making proceedings as of that date would be considered

on a case-by-case taking into account the impact on the draft DTV table. For those pending cases in which a new NTSC channel is allotted, we will make an exception to our decision to cease accepting applications for new NTSC stations, and the **accompanying allotment Report and Order will specify the period of time for filing applications.** (Emphasis supplied).

We have determined that a Channel *56 allotment in Memphis, Tennessee, will have no impact on the draft DTV allotment table.

4. We are establishing a 30-day deadline, beginning on the effective date of this proceeding, for the filing of an initial application for television facilities for Channel *56 in Memphis, Tennessee. If an application for a new station is filed within this time period, we will continue our normal process as provided in the Sixth Further Notice of issuing a Public Notice (cutoff list) that establishes an additional time period for the filing of competing, mutually exclusive applications. If no acceptable application is filed by December 13, 1996, there will be no additional opportunity to file applications for this channel allotment.

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 12, 1996, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Memphis, Tennessee	3-, 5+, *10+, 13+, *14+, 24, 30, 50+, *56

6. The period for filing applications for Channel *56 at Memphis, Tennessee, will open on November 12, 1996. If no acceptable applications are filed by December 13, 1996, there will be no additional opportunity to file applications for this channel allotment.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

²Sixth Further Notice of Proposed Rule Making in MM Docket No. 87-268, released August 14, 1996 (FCC 96-317).

8. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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